

REMARKS

This Preliminary Amendment is being filed concurrently with a Request for Continued Examination (RCE) for entry prior to continued examination on the merits in the above identified application for patent. Upon entry of this Preliminary Amendment, Claims 1-26 will have been canceled, new Claims 27-33 will have been added, and Claims 27-33 will be pending. No new matter has been introduced. Entry of this Preliminary Amendment prior to continued examination, is respectfully requested.

Response to the Rejections Under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1, 9, and 17 have been rejected under 35 U.S.C. § 102(b) as being unpatentable over US Patent 5,170,069 to Sakia. Claims 2, 4, 10, 12, and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakai in view of US Patent 4,584,598 to Kutaragi. Claims 3, 11, and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakai in view of Kutaragi and in further view of US Patent 6,411,331 to Sansom-Wai et al. (Sansom-Wai). Claims 5-8, 13-16, and 21-24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakai in view of US Patent 5,617,139 to Okino. Applicant traverses these rejections.

Claims 1-24, as well as withdrawn Claims 25 and 26 (withdrawn by the Examiner as being “directed to an invention that is independent and distinct from the originally claimed invention”), have been canceled, without prejudice or disclaimer, in favor of newly added Claims 27-33 to better define and distinguish

the claimed subject matter over the applied references of Sakia, Kutaragi, Sansom-Wai, and Okino. Applicant respectfully submits that the applied references of Sakia, Kutaragi, Sansom-Wai, and Okino, neither alone nor in combination, teach, suggest, or otherwise render obvious the subject matter recited in Claims 27-33.

Newly added independent Claims 27 and 33 clearly recite that an image pickup apparatus of the present invention, which includes a display unit for displaying first image data picked up by an image pickup element and a switch for starting recording second image data picked up by the image pickup element, is arranged so as to effect control by a control unit so that white balance processing is performed on the second image data on the basis of first and second correction data or only the second correction data in accordance with whether the display unit is on or off. Claims 27 and 33 also clearly recite that the first correction data of the white balance processing is obtained from the first image data before the switch is operated and the second correction data of the white balance processing is obtained from the second image data in accordance with the operation of the switch.

The above-described features of the present invention are neither taught or suggested by the applied reference of Sakai. In particular, the reference of Sakai fails to teach the relationship between on and off of a display unit and first and second correction data to be used for white balance processing. It is noted that the Examiner states in the final office Action that the reference of Sakai does not teach a display unit. Applicant also respectfully submits that neither of the

secondary or tertiary references of Sakia, Kutaragi, Sansom-Wai, and Okino, either alone, in combination with Sakai, or in combination with one another, teach suggest, or otherwise render obvious, the above-described features of the present invention.

Accordingly, the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn.

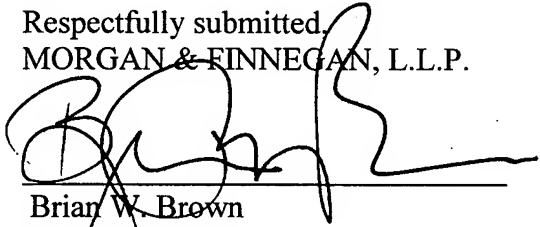
CONCLUSION

Applicant respectfully submits that Claims 27-33 are in condition for allowance and a notice to that effect is earnestly solicited.

AUTHORIZATIONS

The Commissioner is hereby authorized to charge any additional fees that may be required for timely consideration of this Supplemental Preliminary Amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4599.

Dated: April 26, 2005

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

By: _____
Brian W. Brown
Reg. No. 47,265
(202) 857-7887 telephone
(202) 857-7929 facsimile

CORRESPONDENCE ADDRESS:

Morgan & Finnegan, L.L.P.
Three World Financial Center
New York, NY 10281-2101